

# PUEBLO OF LAGUNA

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April 8, 1983

James L. Marvin  
President  
Anaconda Minerals Company  
555 Seventeenth Street  
Denver, Colorado 80202

RECEIVED  
APR 18 1983  
CERT. T.A.C.

Re: Pueblo of Laguna Position on Reclamation of the Jackpile/  
Paguete Mine

Dear Mr. Marvin:

On March 22, 1983, the Tribal Council reviewed the response of Anaconda Minerals Company (AMC), dated February 22, 1983, to former Governor Harry D. Early's letter of December 3, 1982, on behalf of the Pueblo of Laguna (POL). I request that this letter to the Bureau of Land Management (BLM) be accepted as the Pueblo's "preferred alternative". Be advised that we intend to negotiate further with AMC on the issues listed below. The following is the Pueblo of Laguna's position (preferred alternative) with regard to each of the issues raised during discussion/negotiations on the reclamation of the Jackpile/Paguete Mine.

1. Monitoring - The position of the Pueblo of Laguna is that a minimum of a 10 year liability period be set. Further, conventional vegetation sampling procedures should be used. Sample adequacy must be met to ensure a proper measurement of successful revegetation. See Attachment 1, pp. 1-5.
2. Wastepile Slopes - The Pueblo maintains its position as presented in Governor Early's letter of December 3, 1982. See also, Attachment 1, p. 5.
3. North Paguate Pit - The Pueblo maintains that AMC should backfill the North Paguate Pit to flood plain level. The Pueblo is amenable to controlled blasting in order to eliminate the highwall. Once a 3:1 slope is attained, Anaconda should cover slope with 1 foot of topsoil and contour-furrow it in order to enhance the revegetation process and to deter erosion.
4. South Paguate Pit - The Pueblo maintains that the South Paguate Pit should be backfilled to its original contour. Also, when the Pueblo references the South Paguate Pit it necessarily includes SP-20.

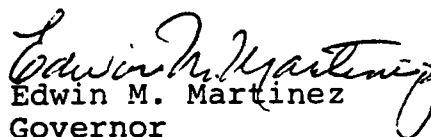
5. Railroad Spur - The Pueblo will accept transfer of ownership provided that AMC eliminates all radiological hazards associated with said right-of-way.
6. Buildings & Equipment - The Pueblo maintains its positions as outlined in the letter dated December 3, 1982, and it specifically requests that any water storage tanks, unused building materials in the P-10 area, fencing materials, Ermco loaders, stuls, and electrical conduit wire and boxes be also provided to the Pueblo upon specific selection.
7. Paguate Housing - The Pueblo maintains that AMC is responsible for damages incurred by certain homes in the Village of Paguate. The Pueblo desires to negotiate a separate settlement with Anaconda on this issue.
8. Mesita Reservoir - The Pueblo will not pursue this issue any further.
9. Topsoil - The Pueblo will accept 1 foot of topsoil if Anaconda will agree to 3:1 sloping of all waste dumps and stockpiles and the utilization of the contour furrowing. See Attachment 1, P. 5.
10. Stabilization of Arroyo Headcuts - The Pueblo maintains that the method of armoring or rip-rapping proposed by AMC for purposes of stabilizing the Arroyo Headcuts is not acceptable. The Pueblo will abide by the stabilization method as agreed to between the Bureau of Land Management (BLM) and AMC.
11. Post-Reclamation Grazing Management - The Pueblo will require fencing all disturbed areas within the leased premises, internal fencing of revegetated sites and fencing of vent holes. All reclaimed and reference areas should be fenced in order to prevent access by livestock. The fence should be designed so as to accomplish the intended purpose. The Pueblo maintains that AMC should be responsible for fence maintenance as well as fence patrol in order to ensure effective revegetation.
12. Disposition of Protore Stockpiles - The Pueblo desires to sell the remaining protore stockpiles. The Pueblo will determine the amenability of said stockpiles to heap leaching processes. It is the decision of the Pueblo not to engage in uranium production via underground mining methods.
13. Level of Backfill - On areas other than the South Paguate Pit and the North Paguate Pit the Pueblo maintains that backfill should be accomplished at a level of 10 feet above the groundwater recovery level.

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The Pueblo of Laguna Council has carefully considered the issues attendant to the reclamation of the Jackpile/Paguate Mine and this letter represents its official position. On those issues wherein the Company has indicated its willingness to engage in further discussions, the Pueblo is ready to meet. It should be understood that the Pueblo's position, as indicated herein, also represents the Pueblo's "preferred alternative" and should be recognized as such by all federal agencies concerned with this matter.

Sincerely,

PUEBLO OF LAGUNA

  
Edwin M. Martinez  
Governor

Attachments

RJS/EMM:ejm

cc: Laguna Agency  
Marc Nelson, BLM

## ATTACHMENT I

### **VEGETATION MONITORING & WASTEPILE SLOPES JACKPILE-PAGUATE MINE**

#### **INTRODUCTION**

This document addresses vegetation monitoring and wastepile slopes for the Jackpile-Paguate Mine. The discussion is designed to provide:

- o quantitative and qualitative vegetation data on both the reference and reclaimed areas;
- o information which will be used to judge success of revegetation;
- o consistent sampling techniques so that data are comparable from year to year; and
- o requirements for period of liability and wastepile slopes.

#### Liability Period

The liability period of Anaconda will be no less than 10 years. The minimum 10-year liability period is set to ensure the establishment of an effective vegetation cover (plant community) that will be capable of succession or able to sustain itself. Discussions with experts reveal that any disturbed ecosystem requires many years to recover and a 10-year period is scientifically not sufficient to determine if an ecosystem has recovered. Moreover, federal and state regulations stipulate a 10 year period of liability (30 CFR 816.116(b)(1)(ii), Colo. Rev. Stat. Sec. 34-32-116(1)(r), Mont. Rev. Codes Ann. Sec. 82-4-235, and Wyo. Stat. Sec. 32-11-403d(b)).

#### Procedures

All vegetation sampling should be done randomly in order to allow all species an equal opportunity of occurring at a given sampling location. Such randomization is needed so an unbiased estimate of the mean and variance of vegetation characteristics can be made for statistical comparisons. If transects are used, systematic sampling may be used within the transects. However, for statistical purposes, the transect is treated as an individual observation. Systematic sampling may reduce the variability of the data set, but may also require a greater expenditure of time to collect a sufficient number of observations. Representative or typical area samples will not be acceptable.

Vegetation quadrats or transects may be located by drawing a grid system (x- and y- axis) on a sufficient size map for each sampling area. Axis length depends upon the size of the area considered. Transect origins or quadrat points are located within the grid system using numbers selected from a random numbers table. If transects are used, random numbers are also used to determine the compass direction in which the transect will run.